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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,804	03/04/2004	Masaru Sugiura	1259-0246P	5233

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EXAMINER

KILIMAN, LESZEK B

ART UNIT PAPER NUMBER

1773

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,804

Applicant(s)

SUGIURA, MASARU

Examiner

leszek b kiliman

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda'358 in view of what is known in the art.

The applied Honda'358 reference teaches that it is known in the art to make and use a cellulose acylate film wherein the average degree of acylation of cellulose acylate is not more than 3. The applied Honda'358 reference also teaches the importance of the degree of acylation on the properties of the films. See column 1, lines 5-10, column 2, lines 10-45, lines 53-56, column 3, lines 1, lines 45-67, column 4, lines 1-14, lines 55-67, column 5, lines 1-30, column 21, lines 45-55, Table 2.

The applied Honda'358 does not specifically teach that the cellulose acylate film should be composed of a plural layers. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to use plural layers of the cellulose acylate film since

such would improve mechanical strength of the film. Also, the examiner submits that the technique known as co-casting of the films is a commonly used in the art to adjust the properties of the films.

Regarding claim 2, see page 1, line 25-30 of the applicants specification.

Regarding claim 3. the applied Honda'358 teaches the importance of the degree of acylation. It would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the average degree of acylation in each layer of the multilayer film, since such would optimize mechanical properties..

Regarding claim 4, see Honda'358 column 4, lines 55-67, column 5, lines 1-15.

Regarding claim 5, see Honda'358 column 5, lines 15-30 wherein the use of calcium compounds is disclosed.

Regarding claims 6,15, 24, it would have been obvious to adjust the contact angle of the surface layers since such would improve the moisture properties of the films.

Regarding claims 7,13,16,22,25,31, see page 2, lines 25-28 of the applicants disclosure. It would have been obvious to vary materials in the individual layers to improve the plastication and optical properties of films.

Regarding claims 8,17,26,32 it would have been obvious to one having ordinary skill in the art at the time of the invention to use a solution casting of plural solutions since such method was commonly known in the art to improve mechanical properties of the films.

Regarding claims 10,11,19,20,28,29 see page 2, line 11-14 for use of a wood pulp and cotton linter.

Regarding claims 9,18,27,34 it would have been obvious to adjust the acidity of the surface since such would improve properties of the film after peeling.

Also, the applied Honda'358 teaches that it is known to use non-chlorine solvents. See column 3 line 1. Regarding volatile compounds such compounds would have been integral part of the film and may be adjusted accordingly by pressure and temperature.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to leszek b kiliman whose telephone number is 571-272-1509. The examiner can normally be reached on M-T, 6.30-5.00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lk


LESZEK KILMAN, PhD
PRIMARY EXAMINER